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10/820,225

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Takeshi Nakamura

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EXAMINER

CHIO, TAT CHI

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

07/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/26/2007 have been fully considered but they are not persuasive.

The applicant argues that Okada does not disclose or suggest the feature of a “secondary storage control device” as particularly described in independent claim 1 of the instant application. More particularly, the secondary storage control device of independent claim 1 detects, as archived recording programs, broadcasting programs having higher priorities.

In response, the examiner respectfully disagrees. Okada teaches the feature of detecting as archived recording programs, broadcasting programs having higher priorities in [0099], which states that the five programs of highest priority are predicted from statistic data in the list. Therefore, Okada teaches detecting as archived recording programs, broadcasting programs having higher priorities.

The applicant argues that Aratani does not teach “a primary storage control device which detects, as regular recording programs, several broadcasting programs which may be received as broadcasting video signals by the receiving device among the broadcasting programs according to the priorities assigned by the broadcasting program detecting device, and acquires broadcasting video signals of the regular recording programs from the receiving device, and causes the broadcasting video signals to be recorded in the primary storage device.”

In response, the examiner respectfully disagrees. Aratani illustrates the recording process in Figure 15A and Figure 15B, and describes the priorities for recording the broadcasting programs in column 8 and lines 15-50. Aratani describes a preferred score is assigned to the broadcasting programs according to some criteria such as listening/viewing history condition, and then the device records the programs according to the preferred score as illustrated in Figure 15B.

The applicant states that programs to be stored in the removable type second storage device are different from those to be in the primary storage device in terms of priorities.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., programs to be stored in the removable type second storage device are different from those to be in the primary storage device in terms of priorities) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant states that broadcasting programs having higher priorities are stored as archived recording programs in a secondary storage device after an exchange of recording medium set to a secondary storage device.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. broadcasting programs having higher priorities are stored as archived recording

programs in a secondary storage device after an exchange of recording medium set to a secondary storage device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHI CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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